

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MONDIS TECHNOLOGY, LTD., Plaintiff, v. HON HAI PRECISION INDUSTRY CO. LTD., a/k/a FOXCONN, ET AL., Defendants.	CIVIL ACTION NO. 2:07-CV-565-TJW JUDGE: Hon. T. John Ward (consolidated for claim construction hearing)
MONDIS TECHNOLOGY, LTD., Plaintiff, v. TOP VICTORY ELECTRONICS (TAIWAN) CO., LTD., ET AL., Defendants.	CIVIL ACTION NO. 2:08-CV-478-TJW JUDGE: Hon. T. John Ward (consolidated for claim construction hearing)

JOINT CLAIM CONSTRUCTION AND PRE-HEARING STATEMENT

Pursuant to Local Patent Rule 4-3, Plaintiff Mondis Technology Ltd. (“Mondis”) and Defendants Chimei Innolux Corp. and Innolux Corporation (collectively “Innolux”); Hon Hai Precision Industry Co. Ltd. (“Hon Hai”); and Top Victory Electronics (Taiwan) Co., Ltd.; TPV International (USA), Inc.; Top Victory Electronics (Fujian) Co., Ltd.; TPV Electronics (Fujian) Co., Ltd.; and Envision Peripherals Inc. (collectively “TPV”)¹ submit this Joint Claim Construction and Pre-Hearing Statement.

For reference, the U.S. patents at issue are as follows:

¹ Innolux and Hon Hai are defendants in Civil Case No. 2:07-CV-565. The TPV entities are defendants in Civil Case No. 2:08-CV-478 involving the same patents. The Court has consolidated the claim construction determinations for the two cases.

'090 patent family

6,247,090
6,513,088
6,549,970
7,089,342
7,475,180
7,475,181

'812 patent family

6,057,812
6,304,236
6,639,588
6,686,895

A. Identification of Agreed Constructions Pursuant to Local Patent Rule 4-3(a)

Pursuant to Local Patent Rule 4-3(a), the parties agree to the following construction of the terms identified below:

Term²	Patent/Claims	Construction
"includes"	'970: claim 14	"includes"
"A display apparatus which receives a video signal and a synchronization signal from an external computer, and which display[s] an image in accordance with the video signal and the synchronization signal on a/the screen, the display apparatus comprising..."	'236: claims 1, 2	Preambles are limitations. Certain terms in preambles are addressed elsewhere in this statement.
"A display apparatus which displays an image based on a video signal from an external computer, said display apparatus being separate from said external computer and comprising..."	'588: claim 5	
"A display unit for displaying an image based on a video signal received from an external computer [which is connected to an input device], the display unit being separate from the external computer and comprising..."	'895: claims 1, 3	

² Brackets indicate differences between the identified claims.

Term ²	Patent/Claims	Construction
“input means”	‘895: claim 3	Governed by 35 USC §112 ¶ 6 <u>Function:</u> inputting instructions <u>Corresponding Structure:</u> a keyboard, mouse, or pen
“disiplay” “anid” “conformn” “comnputer”	‘812: claim 2	“display” “and” “conform” “computer”
“a program that/which is/was previously [programmed] for operating a computer body”	‘812: claims 1, 4, 7, 10, 11	a program for operating a computer
“a program that is previously programmed in [a] software [used] for operating the external computer[’s body]” “[a program in] software for operating said external computer”	‘236: claims 1, 2 ‘588: claims 1, 5	a program for operating an external computer

B. Identification of Disputed Constructions Pursuant to Local Patent Rule 4-3(b)

Pursuant to Local Patent Rule 4-3(b), the parties dispute the construction of certain terms, phrases, and clauses. The claim constructions proposed by each party, and corresponding supporting evidence, are presented in tabular form in the attached exhibits, as follows:

- Exhibits A1 and A2: Parties’ proposed constructions of disputed terms
 - Exhibit A1: ‘090 patent family
 - Exhibit A2: ‘812 patent family
- Exhibits B1 and B2: Mondis supporting evidence
- Exhibits C1 and C2: Innolux supporting evidence
- Exhibits D1 and D2: Hon Hai supporting evidence
- Exhibits E1 and E2: TPV supporting evidence

For each limitation previously identified as governed by 35. U.S.C. § 112 ¶ 6 in the parties' Patent Rule 4-1 disclosures, the attached exhibits identify the structure(s), act(s), or material(s) which the parties contend correspond to that element.

For consistency of reference, the parties have agreed that all specification references for the '090 patent family be to the '090 specification, and that all specification references for the '812 patent family be to the '812 specification, except where necessary to refer to unique language (if any) in a particular specification.

C. Local Patent Rule 4-3(c)

Pursuant to Local Patent Rule 4-3(c), Plaintiff Mondis anticipates that the claim construction hearing will require half a court day. Defendants anticipate that a full court day will be required.

D. Local Patent Rule 4-3(d)

Pursuant to Local Patent Rule 4-3(d), the parties do not believe that the testimony of experts or other witnesses will be required at the hearing.

E. Local Patent Rule 4-3(e)

Pursuant to Local Patent Rule 4-3(e), the parties do not anticipate a need for a pre-hearing conference before the claim construction hearing.

DATED: September 27, 2010

Respectfully submitted,

/s/ Jeffrey B. Plies
Martin J. Black
martin.black@dechert.com
LEAD ATTORNEY
Robert D. Rhoad
robert.rhoad@dechert.com
Dechert LLP
Cira Centre
2929 Arch Street
Philadelphia, PA 19104-2808
Telephone: (215) 994-4000

Jeffrey B. Plies
jeffrey.plies@dechert.com
George W. Webb III
george.webb@dechert.com
Dechert LLP
300 W. 6th Street, Suite 1850
Austin, TX 78701
Telephone: (512) 394-3000
Attorneys for Plaintiff Mondis Technology Ltd.

OF COUNSEL:

Otis W. Carroll
Texas Bar No. 03895700
Wesley Hill
Texas Bar No. 24032294
IRELAND, CARROLL & KELLEY, P.C.
6101 South Broadway, Suite 500
Tyler, TX 75703
(903) 561-1600
(903) 581-1071

Dated: September 27, 2010

Respectfully submitted,

/s/ Nicholas J. Wilt

Mark A. Samuels (*Pro Hac Vice*) - *Lead Counsel*

Brian M. Berliner (*Pro Hac Vice*)

Ryan K. Yagura (*Pro Hac Vice*)

Vision L. Winter (*Pro Hac Vice*)

Nicholas J. Whilt (*Pro Hac Vice*)

O'MELVENY & MYERS LLP

400 South Hope Street

Los Angeles, California 90071-2899

Telephone: (213) 430-6000

Facsimile: (213) 430-6407

Trey Yarbrough

Bar No. 22133500

Yarbrough Wilcox, PLLC

100 E. Ferguson St., Ste. 1015

Tyler, Texas 75702

Telephone: (903) 595-3111

Facsimile: (903) 595-0191

E-mail: trey@yw-lawfirm.com

Attorneys for Defendants Top Victory Electronics
(Taiwan) Co., Ltd.; TPV International (USA), Inc.;
TPV Electronics (Fujian) Co., Ltd.; Top Victory
Electronics (Fujian) Co., Ltd.; and Envision
Peripherals, Inc.

DATED: September 27, 2010

Respectfully submitted,

/s/ Peter J. Wied

PAUL HASTINGS JANOFSKY & WALKER,
LLP

Vincent K. Yip, Admitted *Pro Hac Vice*

Jay C. Chiu, Admitted *Pro Hac Vice*

Peter J. Wied, Admitted *Pro Hac Vice*

515 South Flower Street, 25th Floor

Los Angeles, CA 90071-2228

Telephone: (213) 683-6015

Facsimile: (213) 627-0705

Attorneys for Defendant HON HAI
PRECISION INDUSTRY CO., LTD.

Dated: September 27, 2010

Respectfully submitted,

/s/ James P. Brogan

James P. Brogan
Ann Marie Byers
COOLEY LLP
380 Interlocken Crescent, Suite 900
Broomfield, CO 80021-8023
E-Mail: jbrogan@cooley.com
E-Mail: abyers@cooley.com
Tel: 720-566-4000
Fax: 720-566-4099

Thomas J. Friel, Jr.
Jigang Jin
COOLEY LLP
101 California Street, 5th Floor
San Francisco, CA 94111-5800
E-Mail: tfriel@cooley.com
E-Mail: jinj@cooley.com
Tel: 415-693-2000
Fax: 415-693-2222

Eric H. Findlay
5760 Old Jacksonville Hwy
Suite 101
Tyler, TX 75703
E-Mail: efindlay@findlaycraft.com
Tel: 903-534-1100
Fax: 903-534-1137

Attorneys for Defendants Chimei InnoLux Corp.
and InnoLux Corp.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this

JOINT CLAIM CONSTRUCTION AND PRE-HEARING STATEMENT

was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Federal Rule of Civil Procedure 5(d) and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by certified mail, return receipt requested, on September 27, 2010.

/s/ Jeffrey B. Plies
Jeffrey B. Plies